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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/899,727

07/05/2001

John E. Jones

47171-00290

2932

41230 7590 01/25/2007

CUMMINS-ALLISON CORP.  
C/O JENKENS & GILCHRIST  
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CHICAGO, IL 60606

EXAMINER

HAMILTON, LALITA M

ART UNIT

PAPER NUMBER

3691

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

01/25/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/899,727	JONES, JOHN E.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Lalita M. Hamilton	3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-76 and 112-114 is/are pending in the application.
- 4a) Of the above claim(s) 11-18, 36 and 37 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10, 19-35, 38-76 and 112-114 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>08292005</u>  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election without traverse of the restriction requirement in the reply filed on November 6, 2006 is acknowledged. The Applicant has canceled claims 77-111, withdrawn claims 11-18 and 36-37, and added new claims 112-114. Claims 1-10, 19-35, 38-76, and 112-114 will be examined.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-10, 19, 21-35, and 38-63, and 67-76 are rejected under 35 U.S.C. 102(e) as being anticipated by Hoyos (2002/0082993).

Hoyos discloses a method and corresponding system for automated financial transactions comprising an automated payment system for processing payment of an invoice sent from a payee to a customer, wherein the customer has a bank account at a payor bank and the payee has a bank account at a payor bank, a document scanning system having: an input receptacle for receiving the invoice and a check for an amount drawn on the customer's account, an image scanner, an output receptacle, a transport mechanism adapted to transport the invoice and the check

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from the input receptacle, past the image scanner, and to the output receptacle, the image scanner being adapted to obtain at least one image of the invoice and at least one image of the check, and a controller coupled to the transport mechanism and the image scanner, the controller adapted to control the transport mechanism and the image scanner, a first computer at the payor bank communicatively coupled to the document scanning system and adapted to receive the at least one image of the check and the at least one image of the invoice, the first computer is further adapted to debit the customer's account for the amount of the check; and a second computer at the payee bank communicatively coupled to the first computer and adapted to receive the at least one image of the check and the at least one image of the invoice from the first computer, wherein the first computer is further adapted to transmit funds in the amount of the check to the payee bank and the second computer is adapted to receive the funds and to credit the payee's account for the amount of the funds (p.1, 4-6, 10; p.3, 66-67; and p.3, 37 to p.4, 86). Hoyos discloses the claim limitations of the remaining claims (p.1, 4-6, 10; p.2, 25; p.3, 66-67; and p.3, 37 to p.4, 86).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 20, 64-66, and 112-114 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoyos in view of Norris (6,105,007).

Hoyos discloses the invention substantially as claimed; however, Hoyos does not disclose an electronic signature pad and an electronic pen, the electronic signature pad adapted to receive a signature from the customer or a printer associated with either the first or second computer, the printer operable to print a substitute check from the at least one image of the check. Norris teaches a method and corresponding system for automatic financial account processing comprising an electronic signature pad and an electronic pen, the electronic signature pad adapted to receive a signature from the customer (col.7, lines 38-52) and a printer associated with either the first or second computer, the printer operable to print a substitute check from the at least one image of the check (col.4, lines 5-15). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate an electronic signature pad and an electronic pen, the electronic signature pad adapted to receive a signature from the customer and a printer associated with either the first or second computer, the printer operable to print a substitute check from the at

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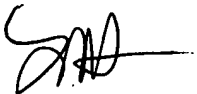
least one image of the check, as taught by Norris into the invention disclosed by Hoyos, to provide a means for the customer to endorse and to allow the customer to reprint a check for record.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lalita M. Hamilton whose telephone number is (571) 272-6743. The examiner can normally be reached on Tuesday-Thursday (6:30-2:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kalinowski Alexander can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Lalita M. Hamilton  
Primary Examiner, 3691